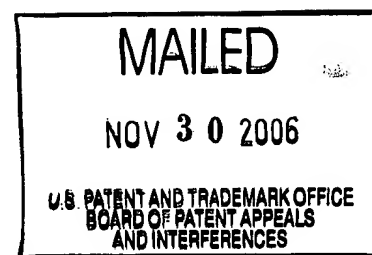# UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. LEMON, HARUMI A. KUNO,
and ALAN H. KARP

Appeal No. 2006-2928
Application No. 09/862,612

ON BRIEF

Before HAIRSTON, JERRY SMITH, and RUGGIERO, <u>Administrative Patent Judges</u>.

JERRY SMITH, <u>Administrative Patent Judge</u>.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of

claims 1-5 and 7-22, which constitute all the claims pending in this application.

The disclosed invention pertains to a system for implementing a conversation between a

client and a service. Specifically, the invention includes a conversation controller that receives a

message from a client on behalf of a service. The controller determines a current state of the

conversation and a valid input document type for the current state. The system then verifies

whether the message is a valid input document type for the current state. The message is

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dispatched to appropriate service entry points until the service produces an output document of a

valid output document type. Such a system enables the service to interact with other services

without the service developers having to implement code to manage conversation logic.

Representative claim 1 is reproduced as follows:

1. A method for implementing a conversation between a client and a service on a conversation controller, comprising:

the conversation controller receiving a conversation information from the service, the conversation information specifying a structure of conversations supported by the service;

the conversation controller receiving a message on behalf of the service;

the conversation controller determining a current state of the conversation;

the conversation controller using the received conversation information to determine valid input document types for the current state;

the conversation controller verifying whether the message is of one of the valid input document types for the current state; and

the conversation controller dispatching the message to appropriate service entry points provided by the service, until the service produces an output document of a valid output document type.

The examiner relies on the following references:

Stewart et al. (Stewart)	2002/0161688	Oct. 31, 2002
		(Filed Feb. 16, 2001)
Chiang et al. (Chang)	2004/0221292	Nov. 04, 2004
		(Filed May 4, 2001)

LeMay et al. (LeMay),. "Teach Yourself Java 2 in 21 Days," Sams Publishing, pp. 422-30, 1999.

The following rejections are on appeal before us:

1. Claims 1, 4, 5, 7-18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Chiang.

2. Claims 2, 3, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Chiang and further in view of LeMay.

Rather than repeat the arguments of appellants or the examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in the claims on appeal. Accordingly, we affirm.

Regarding independent claim 1, the examiner's rejection essentially finds that Stewart teaches every claimed feature except for the conversation controller receiving a message on behalf of a service [answer, pages 5 and 6]. Regarding independent claims 11 and 16, the

examiner adds that Stewart discloses all claimed features except for receiving a message on behalf of a service and receiving a conversation specification as claimed [answer, pages 10-13].

The examiner cites Chiang as teaching such features and finds that it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in Stewart's system to enable integration of dissimilar applications [answer, pages 6, 11, and 13].

Appellants argue that Stewart does not disclose "the conversation controller verifying whether the message is one of the valid input document types for the current state [of the conversation]" and "the conversation controller using the received conversation information to determine valid input document types for the current state" as claimed [brief, pages 10-13]. The examiner argues that Stewart expressly teaches that the system "knows how to handle the message being received" and therefore indicates that the system determines the current state of the message as well as verifying the message. Moreover, the examiner argues that because the system of Stewart provides network-based collaboration among business systems, Stewart's system must determine the current state of a message and validate the message type to function at all [answer, pages 18 and 19].

Appellants also argue that the prior art does not teach nor suggest "the conversation controller receiving a conversation information from the service, the conversation information specifying a structure of conversations supported by the service" as claimed [brief, pages 11-13].

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The examiner responds that since Stewart's system knows how to handle messages as they are

received, an appropriate conversation protocol must be chosen to facilitate communications

between entities [answer, page 19].

We will sustain the examiner's rejection of independent claims 1, 11, and 16. We agree

with the examiner that Stewart's electronic commerce system that allows exchanging data

between multiple diverse participants reasonably meets the disputed limitations.

Stewart discloses a collaboration system comprising a collaboration hub for transferring data

between participants, a collaboration space defining the rules governing the transfer of data and

role of the participants, and a hub transport that allows a participant to send and receive data

from the collaboration hub in accordance with the definitions of the collaboration space (c-space)

[Stewart, abstract].

The c-space can support multiple dissimilar protocols. A particular c-space using a

certain protocol can be accessed via a unique URL [Stewart, ¶ 0149-0152]. Such protocols, in

our view, reasonably correspond to "conversation information specifying a structure of

conversations supported by the service" as claimed in claim 1 and a "conversation specification"

claimed in claims 11 and 16. Moreover, the appropriate protocol essentially specifies a structure

of conversations supported by the service, and effectively determines what constitutes a valid

input document type (i.e., a message utilizing the appropriate protocol).

We agree with the examiner that Stewart reasonably teaches verifying whether the message is one of the valid input document types for the current state essentially for the reasons stated by the examiner. As the examiner indicates, Stewart's system "knows how to handle the message being received" and therefore determines the current state of the conversation (i.e., at least one party has transmitted a message) as well as verifying the message. We note that scope and breadth of the limitation calling for determining the "current state" of the conversation does not preclude the system's receipt of the message and subsequent handling. At a minimum, the system would recognize that communication was at least being attempted by at least one of the parties.

In addition, Stewart teaches providing business logic plug-ins for the c-space that enables the system to filter messages to and from particular trading partners. Such functionality, in our view, fully meets the disputed limitations of the independent claims. For example, if a trading partner does not want to receive a "request for proposal" message for fewer than 5000 units, then a filter could be employed that would reject any such request [Stewart, ¶¶ 0161-0162]. Thus, the conversation controller receives conversation information from the service that specifies a structure of conversations supported by the service (i.e., the specified message conditions) to determine valid input document types (i.e., requests for at least 5000 units) for the current state of the conversation (i.e., a request for proposal). The message is then dispatched accordingly.[1]

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[1] See also Stewart, ¶¶ 0253-0256 (describing XPATH filters that evaluate the context of messages against XML documents to determine whether to send the message to a trading partner).

We also note that appellants have not persuasively rebutted the examiner's prima facie

case relying on the secondary reference to Chiang. We find that the skilled artisan would have

ample motivation to combine the teachings of this reference with Stewart essentially for the

reasons stated by the examiner. In short, the collective teachings of Stewart and Chiang teach or

suggest all claim limitations. Accordingly, we will sustain the examiner's rejection of

independent claims 1, 11, and 16. Since appellants have not separately argued the patentability

of dependent claims 4, 5, 7-10, 12-15, 17, 18, 21, and 22 with particularity, these claims fall with

independent claims 1, 11, and 16. See In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525,

1528 (Fed. Cir. 1987). See also 37 CFR § 41.37(c)(vii).

We next consider the rejection of claims 2, 3, 19, and 20 under 35 U.S.C. § 103(a) as

being unpatentable over Stewart in view of Chiang and further in view of LeMay. We find that

the examiner has established at least a prima facie case of obviousness of those claims that

appellants have not persuasively rebutted. Here, the examiner has (1) pointed out the teachings

of Stewart and Chiang, (2) pointed out the perceived differences between those references and

the claimed invention, and (3) reasonably indicated how and why the references would have been

modified to arrive at the claimed invention [answer, pages 15-17]. Once the examiner has

satisfied the burden of presenting a prima facie case of obviousness, the burden then shifts to

appellants to present evidence or arguments that persuasively rebut the examiner's prima facie

case. Appellants did not persuasively rebut the examiner's prima facie case of obviousness, but

merely noted that the claims depend from independent claims 1 and 16 that appellants contend

are allowable. The rejection is therefore sustained.

In summary, we have sustained the examiner's rejection with respect to all claims on

appeal. Therefore, the decision of the examiner rejecting claims 1-5 and 7-22 is affirmed.[2]

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[2] As the examiner indicates, appellants' argument on page 13 of the brief regarding the examiner's objection to Figure 1 is a petitionable matter under 37 CFR 1.181 – not an appealable matter [answer, page 23]. Because we do not have jurisdiction over this matter, it is therefore not before us. See MPEP § 706.01 ("[T]he Board will not hear or decide issues pertaining to objections and formal matters which are not properly before the Board."). See also MPEP § 1201 ("The Board will not ordinarily hear a question that should be decided by the Director on petition....").

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON
Administrative Patent Judge   )
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JERRY SMITH   )   BOARD OF PATENT
Administrative Patent Judge   )   APPEALS AND
)   INTERFERENCES
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)
JOSEPH F. RUGGIERO   )
Administrative Patent Judge   )

JS/jaj/gw

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400